

**RONALD MARTINETTI, ESQ.**  
State Bar No. 106 898  
**KAZANJIAN & MARTINETTI**  
520 East Wilson Avenue  
Glendale, California 91206  
Tel. 818-241-1011  
FAX 818-241-2193

Attorneys for Defendants  
Lee's General Toys, Inc., and  
John Lee

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

GEORGIA-PACIFIC CONSUMER  
PRODUCTS LP, a Delaware limited  
partnership,

Plaintiff,  
vs.

LEE'S GENERAL TOYS, INC., a California corporation, JOHN LEE, an individual; and DOES 1-10,

## Defendants.

CASE. NO. 07 CV 2391  
(JAH POR)

DEFENDANT JOHN LEE'S  
DECLARATION IN OPP.  
TO PRELIMINARY  
INJUNCTION AND  
IN SUPPORT OF DEF'S.  
POINTS AND AUTHORITIES

) Date: Jan. 28, 08

(Assigned to Hon.  
J. Houston)

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This Declaration of Defendant John Lee is filed in connection with his Memorandum of Law in Opposition to Plaintiff's Request for Preliminary Injunction which is to be filed by Feb. 28.

Dated: February 6, 2008

KAZANJIAN & MARTINETTI  
RONALD MARTINETTI, ESQ.

By Ron Martinetti  
Ronald Martinetti  
Attorneys for Defendants

DECLARATION OF JOHN LEE IN OPPOSITION TO  
PLAINTIFF'S REQUEST FOR PRELIMINARY INJUNCTION

I, John Lee, declare:

1. As I have informed this Court, we have removed the outer wrappings from 59,520 tissue rolls and are no longer selling, importing, or distributing Angelite tissue (pending the outcome of this litigation).

2. I have also informed our five major distributors that we are no longer selling Angelite tissue and will not refill any re-orders. Instead, we are offering for sale our Swan label which is not in controversy.

3. On February 4, 2008 I wrote each of the distributors the following letter: "Dear Sir or Madam, Please note that General Toys is no longer selling "Angelite" tissue products. Please do not reorder "Angelite" tissue because these orders will not be filled. Currently, we are selling "Swan" toilet tissue. Please feel free to place your orders for "Swan" toilet tissue. We appreciate your business and look forward to working together in the future." These letters were mailed on February 4, 2008.

4. Defendants believe that they have a valid trademark and, in fact, received a trademark from the California Secretary of State in 2003. Plaintiff has known about this trademark since 2003 and has slept on its rights. However, Defendants have no intention of further marketing any items under the name Angelite as long as the present lawsuit is pending.

5. The exhibits that are attached as Nos. 1 through 5 are true

LAW OFFICES  
KAZANJIAN & MARTINETTI  
520 EAST WILSON AVENUE  
SUITE 250  
GLENDALE, CALIFORNIA 91206

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and exact copies of the five letters I sent to our distributors  
I declare under penalty of perjury that the foregoing is true  
and correct under the laws of the United States and the state of  
California.

Executed this February 6, 2008 at Vernon, California

John Lee

*John Lee*

# GENERAL TOYS

3389 E. 50<sup>TH</sup> ST.  
VERNON, CA 90058

Tel: (323) 826-9898  
Fax:(323) 826-9733

February 4, 2008

TCI Supply Co.  
121 E. 18<sup>th</sup> Street #3  
Los Angeles, CA 90013

Dear Sir or Madam:

Please note that General Toys is no longer selling "Angelite" tissue products. Please do not reorder "Angelite" tissue because these orders will not be filled. Currently, we are selling "Swan" toilet tissue. Please feel free to place your orders for "Swan" toilet tissue. We appreciate your business and look forward to working together in the future.

Sincerely,



John Lee  
President

EXHIBIT 1

**GENERAL TOYS**

3389 E. 50<sup>TH</sup> ST.  
VERNON, CA 90058

Tel: (323) 826-9898  
Fax:(323) 826-9733

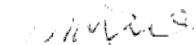
February 4, 2008

Kensco  
2602 37<sup>th</sup> Street  
Vernon, CA 90053

Dear Sir or Madam:

Please note that General Toys is no longer selling "Angelite" tissue products. Please do not reorder "Angelite" tissue because these orders will not be filled. Currently, we are selling "Swan" toilet tissue. Please feel free to place your orders for "Swan" toilet tissue. We appreciate your business and look forward to working together in the future.

Sincerely,



John Lee  
President

**EXHIBIT 2**

# GENERAL TOYS

3389 E. 50<sup>TH</sup> ST.  
VERNON, CA 90058

Tel: (323) 826-9898  
Fax:(323) 826-9733

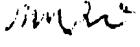
February 4, 2008

Double Bargain Inc  
3033 Bandini Blvd  
Vernon, CA 90023

Dear Sir or Madam:

Please note that General Toys is no longer selling "Angelite" tissue products. Please do not reorder "Angelite" tissue because these orders will not be filled. Currently, we are selling "Swan" toilet tissue. Please feel free to place your orders for "Swan" toilet tissue. We appreciate your business and look forward to working together in the future.

Sincerely,

  
John Lee  
President

# EXHIBIT 3

# **GENERAL TOYS**

**3389 E. 50<sup>TH</sup> ST.  
VERNON, CA 90058**

**Tel: (323) 826-9898  
Fax: (323) 826-9733**

February 4, 2008

Jorge Aceves Contreras  
2170 Coronado Ave.  
San Diego, CA 92154

Dear Sir or Madam

Please note that General Toys is no longer selling "Angelite" tissue products. Please do not reorder "Angelite" tissue because these orders will not be filled. Currently, we are selling "Swan" toilet tissue. Please feel free to place your orders for "Swan" toilet tissue. We appreciate your business and look forward to working together in the future.

Sincerely

John Lee  
President

**EXHIBIT 4**

# GENERAL TOYS

3389 E. 50<sup>TH</sup> ST.  
VERNON, CA 90058

Tel: (323) 826-9898  
Fax:(323) 826-9733

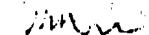
February 4, 2008

TBA Mexican Trade Grocery  
1045 Bay Blvd. #A  
Chula Vista, CA 91900

Dear Sir or Madam:

Please note that General Toys is no longer selling "Angelite" tissue products. Please do not reorder "Angelite" tissue because these orders will not be filled. Currently, we are selling "Swan" toilet tissue. Please feel free to place your orders for "Swan" toilet tissue. We appreciate your business and look forward to working together in the future.

Sincerely,



John Lee  
President

EXHIBIT 5

1 PROOF OF SERVICE

2 I am employed in Los Angeles County, California; I am over  
3 the age of eighteen years and not a party to the within action.  
4 My business address is 520 East Wilson Glendale, California  
5 91206.

6 On this date I served Defendant John Lee's Decl. in Opp. to  
7 Preliminary Injunction and in Support of Defs.' Points and Au-  
8 thorities (to be filed by Feb. 28)

9 by personal delivery (to the address below)

10  by placing a true copy thereof enclosed in a sealed  
11 envelope with postage thereon fully prepaid, in the United States  
12 Post Office mail box at Glendale, California, addressed to:

13 Stephen Swinton, Esq.  
14 Latham & Watkins  
15 12636 High Bluff Drive, Suite 400  
16 San Diego, California 92130-2071  
17 Tel. 858-523-5400  
18 FAX 858-523-5450

19 and via FAX to counsel for Georgia-Pacific Consumer Prod. (x)

20  BY MAIL I sealed and placed such envelope for collection  
21 and mailing to be deposited in the mail on the same day in the  
22 ordinary course of business at Glendale, California. I am readily  
23 familiar with our law firm's practice of collecting and process-  
24 ing correspondence and documents for mailing. They are deposited  
25 with the U.S. Postal Service on the same day as dated, in the  
26 ordinary course of business.

27  (State) I declare under penalty of perjury under the  
28 laws of the State of California and the United States that the  
foregoing is true and correct.

(x) (Federal)

The papers are also to be filed via e-mail.

I declare under penalty of perjury of the state of California  
that the foregoing is true and correct.

Executed this February 6, 2008 at Glendale, California 91206

Ron Martinetti

